

FOR THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF NEW MEXICO

GERALD TAYLOR,

Plaintiff,

v.

CIV No. 13-15 JCH/GBW


KATHLEEN M. HAYNES BURNS *et al.*,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED
DISPOSITION**

This matter comes before the Court on Defendants City of Portales, FNU Meeks, and FNU Hamner's Motion for Summary Judgment. *Doc. 94.* The Magistrate Judge filed a Proposed Findings and Recommended Disposition ("PFRD") concluding that Defendants' Motion be granted on the basis that (1) Defendants Hamner and Meeks are entitled to qualified immunity; (2) the claims against Defendant City of Portales are either premised on a legally impermissible theory of *respondeat superior* or insufficiently pled to survive dismissal; and (3) the Court lacks jurisdiction over Plaintiff's state law claims. *Doc. 107.* Plaintiff has not filed any objections to the PFRD.

Upon a review of the record, I concur with the Magistrate Judge's findings and recommendations. Therefore, I ADOPT the Magistrate Judge's Report and Recommendations (*doc. 107*) and GRANT Defendants' Motion, (*doc. 94*). All Plaintiff's federal claims against the above named Defendants are hereby DISMISSED with prejudice. Plaintiff's state law claims against Defendant City of Portales are DISMISSED without prejudice. All of the Defendants are dismissed as defendants.


UNITED STATES DISTRICT JUDGE